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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR             | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------------------|---------------------|------------------|
| 10/669,906      | 09/24/2003  | Takayoshi Kawai                  | 4041K-000156        | 5776             |
| 27572           | 7590        | 01/26/2005                       |                     | EXAMINER         |
|                 |             | HARNESS, DICKEY & PIERCE, P.L.C. |                     | NGUYEN, PHUNG    |
|                 |             | P.O. BOX 828                     |                     | ART UNIT         |
|                 |             | BLOOMFIELD HILLS, MI 48303       |                     | PAPER NUMBER     |
|                 |             |                                  | 2632                |                  |

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                             |                                   |                         |
|-----------------------------|-----------------------------------|-------------------------|
| <b>Offic Action Summary</b> | <b>Applicati n N .</b>            | <b>Applicant(s)</b>     |
|                             | 10/669,906                        | KAWAI ET AL.            |
|                             | <b>Examin r</b><br>Phung T Nguyen | <b>Art Unit</b><br>2632 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 24 September 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-10 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/21/05.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 4, 6, 7, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, line 2, "said result" lacks antecedent basis.

Claim 6, line 2, "said number of items" should be changed to --said number of times--.

Claim 7, line 2, "said result" lacks antecedent basis.

Claim 8, line 2, "said result" lacks antecedent basis.

Claim 4 is also rejected for incorporating the above deficiency by dependency.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 2, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Wako et al. (U.S. Pat. 6,415,224).

**Regarding claim 1:** Wako et al. disclose hierarchical display screens on which an operation item for operating an operational object is displayed, wherein the operation item is

displayed on a predetermined screen, based on use of the operation item (fig. 5, col. 8, lines 27-36).

**Regarding claim 2:** Wako et al. disclose wherein said predetermined screen is the top screen (fig. 5, col. 7, lines 44-47).

**Regarding claim 10:** Wako et al. disclose an operating panel for operating said operational object, a display device having said hierarchical display screens and a control unit for controlling the operational object, the operating panel and the display device, wherein the operating panel, the display device and the control unit are integrated into a body (fig. 3, col. 7, lines 9-24).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wako et al. in view of Haimi-Cohen (U.S. Pat. 6,760,431).

**Regarding claim 3:** Wako et al. disclose the menu bar highlights the destination since this item is most frequently used as shown in figure 5 but fail to teach wherein the result is the number of times of use of the operational item as claimed. However, Haimi-Cohen discloses method and apparatus for identification and user prompting for storage of frequently used data items comprising the number of times of use of the operational item (col. 2, lines 14-16, and col.

3, line s 65-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the technique of Haimi-Cohen in the system of Wako et al. because they both teach a system for displaying the frequency used data. It is seen that Haimi-Cohen's teaching of the number of times of use of the operational item would enhance the system of Wako et al. by monitoring the frequency of usage of entered data items.

**Regarding claim 4:** Haimi-Cohen discloses wherein said number of times is accumulated for a period that is set based on outside environmental conditions or user's physical condition (col. 4, lines 5-12).

**Regarding claim 6:** Haimi-Cohen discloses wherein said number of time is predetermined (col. 4, lines 5-12).

**Regarding claim 7:** Haimi-Cohen discloses wherein said result is stored in a portable storage medium (col. 4, lines 41-51).

**Regarding claim 8:** Haimi-Cohen discloses wherein the result can be rewritten (col. 5, lines 25-35).

7. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wako et al. in view of Noguchi et al. (U.S. Pat. 6,707,387).

**Regarding claim 5:** Wako et al. do not teach wherein said operation item is displaced from the predetermined screen after a predetermined time has passed or a predetermined condition has been fulfilled. However, displacing from the predetermined screen after a predetermined time has passed or a predetermined condition has been fulfilled is known in the art as taught by Noguchi et al. (col. 13, lines 60-67). Therefore, it would have been obvious to

the skilled artisan to utilize the teaching of Noguchi et al. in the system of Wako et al. so that the displayed screen is switched to a screen which has previously been set which is convenient.

**Regarding claim 9:** Noguchi et al. teach wherein said operational object is an air conditioning system, an audio system, a car navigation system, an audio-visual system or a telephone system (col. 1, lines 61-63).

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Seidensticker, Jr. et al. [U.S. Pat. 6,128,012] disclose user interface for a portable data management device with limited size and processing capability.

b. Kelts [U.S. 2002/0059603] discloses interactive content guide for television programming.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax numbers for the organization where this application or proceeding is assigned are 703-305-3988 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

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Phung Nguyen



Date: January 21, 2005